

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE NIELSEN COMPANY (US), LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 21-1591 (CJB)
)	
HYPHAMETRICS, INC.,)	
)	
Defendant.)	

~~PROPOSED~~ ORDER

The Court having duly considered Defendant HyphaMetrics, Inc.'s ("HyphaMetrics") motion to stay the case to engage new counsel.

IT IS HEREBY ORDERED this 12th day of September, 2022 that:

1. The case is stayed for sixty (60) days, by which new lead counsel for HyphaMetrics must enter a notice of appearance or file a motion to appear *pro hac vice*.
2. All deadlines, including discovery deadlines, are extended by approximately sixty (60) days such that this matter will proceed as follows:

Event	Deadline
Responses to Plaintiffs Second Set of Interrogatories	12/2/22
Defendant produce initial invalidity contentions for each asserted claim and known invalidating references	12/12/22
Exchange list of claim terms proposed for construction and their proposed constructions	1/30/23
Prepare joint claim construction chart and file with the Court; concurrent filing of Motion for Claim Construction	2/13/23
Joinder of parties and amendment of pleadings	3/10/23
Plaintiff's opening claim construction brief	4/3/23
Defendant's answering claim construction brief	4/24/23
Plaintiff's reply claim construction brief	5/8/23
Defendant's sur-reply claim construction brief	5/22/23
File joint claim construction brief; parties provide optional technology tutorials to the Court; parties notify the Court (i) whether they request leave to present testimony at claim construction hearing; (ii) the amount of time they request be allocated to them for the hearing; and (iii) the order in which	5/30/23

Event	Deadline
they intend to present the claim terms at issue, including which side will present first for each term	
Parties provide optional written comments on opposing parties' technology tutorials (seven days after joint claim construction brief)	6/5/23
Claim construction hearing (subject to the Court's availability)	June 2023 6/8/23 @ 11:00am
Claim construction ruling (the Court will endeavor to issue its order within 60 days of the conclusion of the claim construction hearing)	Aug. 2023
Document production substantially complete	8/8/23
Interim status report after claim construction order	9/26/23
Supplement identification of accused products and invalidity references	9/26/23
Supplement and finalize infringement and invalidity contentions	10/18/23
Fact discovery complete	11/7/23
Opening expert reports by party with burden of proof	12/18/23
Responsive expert reports by party without burden of proof	1/29/24
Reply expert reports by party with burden of proof	2/20/24
Expert depositions complete	4/5/24
Summary judgment and <i>Daubert</i> motions	4/26/24
Opposition briefs re summary judgment and <i>Daubert</i> motions	5/28/24
Reply briefs re summary judgment and <i>Daubert</i> motions	6/11/24
Hearing on summary judgment and <i>Daubert</i> motions (subject to the Court's availability)	July 2024 7/11/24 @ 11:00am
Joint Proposed Final Pretrial Order	12/13/24
Pretrial Conference (subject to the Court's availability)	12/17/24 12/13/24 (11:30 am)
Trial (subject to the Court's availability)	January 2025 1/6/25

3. Absent a showing that despite acting with diligence throughout the sixty-day stay, HyphaMetrics was unable to find competent counsel who would agree to represent it in this case, HyphaMetrics shall not seek additional stays or extensions based on searching for and obtaining new counsel.

Christopher J. Burke

JUDGE CHRISTOPHER BURKE